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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/578,723	05/26/2000	Robert R. Bushey	P19115	7932

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EXAMINER
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DEANE JR, WILLIAM J

ART UNIT	PAPER NUMBER
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2642

DATE MAILED: 06/23/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/578,723

Applicant(s)

BUSHEY ET AL.

Examiner

William J Deane

Art Unit

2642

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 26 May 2000.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-24 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-24 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☒ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 2-4.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

## **DETAILED ACTION**

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claim 1 is rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Patent No. 6,411,687 (Bohacek et al.).

Bohacek et al. teach teaches a method for identifying and categorizing customer goals for contacting a service center comprising, receiving a customer request, performing a verbal style analysis (elements 5, 6 and 8) and a predicate analysis (word detector 7; see Col. 2, lines 54 – 56 and assigning the customer to a call center or agent associated with the customer behavior and customer goal. With respect to the customer goals, such is inherent.

With respect to claim 2, such limitations are inherent.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 3 – 24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bohacek et al. in view of U.S. Patent No. 6,330,326 (Whitt) and U.S. Patent No. 6,269,153 (Carpenter et al.).

With respect to claims 3, 5, Bohacek et al. teach the claimed method as shown above except for the conditional probability aspect of the method and the mapping aspect. Note that Whitt teaches that conditional probabilities are old in the art. It would have been obvious to one of ordinary skill in the art to use conditional probabilities wherever it was deemed necessary. With respect to the mapping aspect and max and min conditional probability note Col. 8, line 59 – Col. 9, line 2 of Carpenter. It should be noted that routing based on customer goals is inherent in a call center. Also note that both Bohacek et al. and Carpenter route calls based on customer goals (as broadly claimed by applicant). It would have been obvious to use a threshold value a conditional probability, as it would have been obvious to one of ordinary skill to use thresholds wherever it was deemed necessary. It would have been obvious to use conditional probabilities as taught by Whitt and Max and Min values as taught by Carpenter in the Bohacek et al. method as such notoriously well known math means and would only entail the substitution of one math means for another.

With respect to claims 4, 6, 9 -10, 14 and 22, note Abstract and Col. 9, line 16 – 17 and Col. 8, line 59 – Col. 9, line 2 of Carpenter. With respect to claims 7 and 8, note the rejections above.

With respect to claim 11, of course, or why bother asking clarifying questions?

With respect to claims 12 and 20, note IVR 3 of Bohacek et al.

With respect to claims 13 and 21, note Fig. 4 and Col. 10, lines 52 – 55 of Whitt.

With respect to claim 15, note Fig. 1 of Bohacek et al.

With respect to claim 16, note Col. 2, lines 54 – 56 of Bohacek et al..

With respect to claim 17, categorizing groups would have been obvious to one of ordinary skill.

With respect to claim 18, since one is using a threshold as in Carpenter and mood analyzer in Bohacek et al., scoring is inherent in both.

With respect to claims 19 and 23, note the rejections above.

With respect to claim 24, such a computer program would be obvious in view of the above rejections.

### ***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure:

U.S. Patent No. 6,564,197 (Sahami et al.) – not conditional probabilities Col. 7, lines 12 – 16, note also Col. 15, lines 53 – 60;

U.S. Patent No. 6,405,159 (Bushey et al.) – note categorizing groups;

U.S. Patent No. 6,389,400 (Bushey et al.) – note Figs.;

U.S. Patent No. 6,349,290 (Horowitz et al.) – note Abstract and Figs.;

U.S. Patent No. 6,212,502 (Ball et al.) – note Abstract;

U.S. Patent No. 6,134,315 (Galvin) – note Abstract;

U.S. Patent No. 5,586,171 (McAllister et al.) – note Abstract; and


U.S. Patent No. 5,553,119 (McAllister et al.) – note Abstract.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Bill Deane whose telephone number is (703) 306-5838. In addition, facsimile transmissions should be directed to Bill Deane at facsimile number (703) 872-9314.

11Jun03

  
**WILLIAM J. DEANE, JR.**  
**PATENT EXAMINER**